

Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2007-2008

October 22, 2008

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission (NSHRC) for the year ended March 31, 2008 is prepared pursuant to the Provincial Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the NSHRC's business plan information for the fiscal year 2007-2008. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the NSHRC.

This accountability report is the responsibility of NSHRC management and is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the NSHRC's business plan for the year.

Hon. Cecil Clarke
Minister Responsible for the Human Rights Act

Krista Daley
Director and CEO

Nova Scotia Human Rights Commission

Message From the Director and CEO

The Nova Scotia Human Rights Commission (NSHRC) is the lead agency for human rights in the province. Authorized by the *Nova Scotia Human Rights Act (Act)*, the NSHRC seeks to:

- promote efficient, effective and timely resolutions for complaints of discrimination;
- promote systemic change through education, training and affirmative action programs; and
- influence the development of legislation and policy by government.

During the 2007-2008 fiscal year, this mandate was carried out in the midst of a period of some uncertainty for staff and commissioners as the NSHRC awaited the appointment of a new Director and CEO. Michael Noonan continued to provide strategic and operational leadership as Acting Director and CEO during this fiscal year.

Despite that uncertainty, several major initiatives continued with respect to the annual business plan, including:

- release of the consultant's report on a Plan for Investigating and Resolving Aboriginal Complaints in October 2007;
- success in passing a package of amendments to the *Act* during the Fall 2007 sitting of the House of Assembly;
- creation of a new staff position to oversee administration of the successful settlement initiatives program; and
- implementing enhancements to the computerized case tracking system to improve the availability of statistics related to investigation and resolution of complaints.

The NSHRC delivered on its legislated mandate within the overall budget envelope established by the provincial government.

Thanks must go to staff, management and commissioners who worked diligently to ensure that work flowed smoothly and quality service to the public was maintained.

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I. Introduction

This document is based on the goals and priorities identified in the NSHRC's 2007-2008 business plan. The business plan is available on the NSHRC's website at <http://gov.ns.ca/humanrights/accountability.htm>.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core businesses of *Resolving Complaints of Discrimination*, *Promoting Human Rights Through Education, Training and Affirmative Action Programs* and *Influencing the Development of Legislation and Policy by Government*. The NSHRC faced a number of challenges in meeting its budget targets during 2007-2008. They included costs associated with Boards of Inquiry, legal expenses associated with board hearings and costs associated with the recruitment of a new Director and Chief Executive Officer. Despite the financial challenges, however, service to the public was not compromised and the NSHRC's overall budget target was met.

During 2007-2008, the NSHRC continued to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs, abilities and dreams of Nova Scotians. Major events were held in December 2007 to mark International Human Rights Day. Events took place in Halifax, Sydney and at selected sites throughout the Annapolis Valley. An event focusing on the challenges and triumphs of immigrant women was held during March 2008 to mark International Women's Day.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2007-2008 business plan.

II. Progress and Accomplishments

In its 2007-2008 business plan, the Commission established the following strategic goals:

1. To promote efficient, effective and timely resolutions for complaints of discrimination.
2. To promote systemic change by developing new tools and resources which support the NSHRC's mandate to educate organizations and individuals about the impact of discrimination.
3. To help foster the development of a more equitable society and fair workplaces by effectively addressing discrimination in all its forms.

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What follows is a brief report on major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals.

Resolution of Complaints of Discrimination

- ◆ In cooperation with Mi'kmaq and other aboriginal communities, move forward with recommendations to develop an aboriginal framework to improve the services the NSHRC offers to these communities, particularly through the development of effective models of dispute resolution.
 - ▶ The Plan for Investigation and Resolution of Aboriginal Complaints was released in October 2007 at the NSHRC's annual public forum. The focus of the annual event this year was Aboriginal issues and for the first time it was held outside the provincial capital on the Membertou First Nation in Cape Breton. Staff developed a strategic plan and began implementation of some of the report's recommendations. Continuing the implementation of the recommendations will remain a priority for the 2008-2009 fiscal year.
- ◆ Continue to evaluate the effectiveness of the NSHRC's settlement initiative practices and its mediation roster.
 - ▶ A Human Rights Officer assigned to mediation was recruited and management of the program became the responsibility of the Manager of Investigation and Compliance. This led to an increase in the number of referrals to mediation and implementation of quality control measures to ensure that contractual obligations were being met by roster mediators including reduced costs per mediation session. Roundtable sessions with members of the NSHRC's mediation roster continued to enable problem solving and the sharing of best practices.
- ◆ Recruit a Human Rights Officer to focus specifically on the administration of settlement initiatives under the direction of the Manager of Investigation and Compliance.
 - ▶ Recruitment of the Human Rights Officer assigned to mediation was completed during the Spring of 2007.
- ◆ Ensure that priorities and strategic goals are reflected in performance management targets for staff and management.

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- ▶ All job descriptions and performance standards for the Investigation and Compliance Divisional staff were revised in an effort to achieve higher professional standards and consistency with the Commission's business plan.
- ◆ Group meetings with Human Rights Officers led by the Manager of Investigation and Compliance to promote a team approach to problem solving.
 - ▶ These meetings continued on a regular basis and contributed to a positive and productive working team environment.
- ◆ Develop a strategic plan for the Investigation and Compliance Division to ensure ongoing change management and quality control.
 - ▶ Staff changes and performance standards were implemented. The amendments to the *Act* during the Fall 2007 required additional attention to be paid to expected changes to policies and procedures. Further strategic planning and implementation will continue for the 2008-2009 fiscal year.
- ◆ Continue to evaluate the computerized case management system to improve the tracking and quality control of the complaint process.
 - ▶ Significant progress was made in implementing necessary enhancements to the case management system with the assistance of an in-house consultant provided by Justice IT Services and under the direction of the Acting Director and CEO. The consultant worked with Division managers to develop a business flow chart and identified areas for improvement to enhance consistency of data inputting. Further work to enable accurate statistical reporting will continue for the 2008-2009 fiscal year.
- ◆ Round table discussions between investigation staff and legal counsel to enhance understanding of legal principles.
 - ▶ Staff met with legal counsel approximately once every six weeks and participated in focused discussions on legal issues pertaining to human rights cases.

Promoting Systemic Change Through Education, Training and Affirmative Action Programs

- ◆ Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change.
 - ▶ The Partners for Human Rights Committee continued to be a primary forum for linkages and forums for dialogue during 2007-2008. The Partners Committee hosted a successful event for International Human Rights Day on December 10, 2007. The

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NSHRC, led by the Relations and Equity Division, also hosted an International Women's Day event on March 8, 2008 which was showcased on prime time television.

- ◆ Complete the recruitment process for additional staffing resources for the Race Relations, Equity and Inclusion Division¹ to augment the NSHRC's education, training and affirmative action programs.
 - ▶ The selection process for a full-time casual public education assistant was completed by the end of March 2008. The successful incumbent was expected to start in Spring 2008. A new Acting Manager for the Division will pursue other possible avenues for staffing such as intern programs.
- ◆ Promote the value of practicing inclusion to the business community using the NSHRC's "Champions for the Workplace" program to identify two new champions during 2007-2008 who would host a breakfast for their colleagues.
 - ▶ The NSHRC named it's first provincial government department as a Champion for the Workplace in May 2007 with the recognition of Communications Nova Scotia. A breakfast for communication companies, public servants and industry leaders was hosted at Royal Artillery Park in Halifax and included a presentation from Laura Lee Langley, Assistant Deputy Minister.
 - ▶ The NSHRC went forward with its forum on Aboriginal issues in the Fall of 2007 to coincide with the release of the action plan on the aboriginal framework report, a priority over holding a second "Champions for the Workplace" event.
- ◆ Continue policy research and development in partnership with external organizations in emerging areas of human rights.
 - ▶ The NSHRC conducted policy research in the areas of employment equity, diversity and cultural competency with the aim of educating and supporting employers to foster more equitable and inclusive workplaces.
 - ▶ Staff were invited to present to two national conferences, the National Metropolis Conference and the National Social Work conference to present on this research. The theme for both presentations is creating cultural and organizational change toward equity and inclusion.

¹ The new name of the Division recommended in the amendments to the Human Rights Act, formerly known as the Race Relations and Affirmative Action Division.

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- ◆ Continue the development of a Race Relations, Equity and Inclusion Division module as part of the NSHRC's computerized case management system.
 - ▶ There was significant progress made in development and implementation of the case management system within the Race Relations Division. Business flow charts were developed and all new files are being inputted on the system. Work will continue in this area for the 2008-2009 fiscal year as staff become more familiar with the system leading to necessary refinements in the system.
- ◆ Promote the NSHRC as a source of information and resource on human rights and compliance issues under the *Act* for employers and employees in the public, private, educational and not-for-profit sectors.
 - ▶ The NSHRC continued to promote the training and education programs delivered through the Race Relations, Equity and Inclusion Division at all stages of the complaint process, through promotional materials, the website and hosting of and participation in various events. Generally settlement agreements included a requirement for respondent employer/employee training as part a remedy. The Division held a focus group session with past training clients to assess its success and options for improvement in meeting client needs.

Influencing the Development of Legislation and Policy by Government

- ◆ Complete the recruitment of a Senior Policy Analyst.
 - ▶ The recruitment of the Senior Policy Analyst did not proceed due to the delay in the appointment of the new Director and CEO. A framework for policy work was developed. An assessment of the staffing needs to carry out this mandate will be conducted in the 2008-2009 fiscal year.
- ◆ Deliver presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the NSHRC's annual report.
 - ▶ Due to the delay in the appointment of the new Director and CEO production of an annual report was delayed. A review of the annual reporting process will be conducted in 2008-2009 to determine the most efficient and effective ways of reporting to the public on the NSHRC's work.
- ◆ Open dialogue with staff of Treasury and Policy Board to incorporate consideration of human rights implications into the process for developing legislative recommendations for Cabinet.

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- ▶ The NSHRC responded to requests for policy submissions by government that had human rights implications. A submission was made to the Teacher Education Review Panel on issues pertaining to teacher education in the province in October 2007. A response was also made to the Discussion Paper *Welcoming More Immigrants, Proposed Eligibility Criteria for Entrepreneur Stream, Nova Scotia Nominee Program* in February 2008.
- ◆ Continue to review the *Act* to ensure its effectiveness.
 - ▶ The NSHRC recommended a series of amendments to the *Human Rights Act* to the provincial government. The amendments were introduced into the legislature in the fall sitting and received third reading. They will be proclaimed June 30th. Staff of the Investigation and Compliance Division are reviewing and drafting new policies and procedures in preparation for the amendments.

III. Financial Results

N.S. Human Rights Commission		
	2007-2008 Estimate (\$ thousands)	2007-2008 Actual (\$ thousands)
Net Program Expenses	\$2,105,000	\$2,090,600
Salaries and Employee Benefits	\$1,626,600	\$1,393,000
Funded Staff (FTEs)	25.6	22.4

IV. Performance Measures

The measures in this report are from the Commission's 2007-2008 business plan (refer to Schedule 1 Performance Measure Charts). They represent outcomes identified to measure success in achieving the priorities set out in the NSHRC's core business areas.

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Strategic Goal: To promote efficient, effective and timely resolutions for complaints of discrimination.

Outcome: An efficient complaint handling process.

Measure: *Percentage of active caseload less than 18 months old.*

What This Measure Tells the NSHRC?

For the public to have confidence in the NSHRC's ability to resolve human rights complaints the organization must be able to respond in as timely a manner as possible when allegations are brought forward. Significant delays in the complaint handling process can lead to more difficulty in reaching appropriate resolutions and may discourage individuals from bringing human rights concerns forward.

Where Is the NSHRC Now?

The target of 60% was reached for the 2007-2008 fiscal year as 61.5% of active cases were less than 18 months old. The statistics were further broken down to show that 38% of cases were actually processed within a 12 month period. These figures show that the NSHRC has made progress in improving the efficiency of the complaint handling process.

Where Does the NSHRC Want to Be in the Future?

The NSHRC will continue to look at the effectiveness of its assessment, investigation and resolution of human rights complaints and implement strategies to enhance the efficiency of these processes. Due to anticipated staffing changes (maternity and paternity leaves) and changes to policies and procedures, meeting the established target set for 2008-2009 of 75% of active cases less than 18 months will not be feasible. The NSHRC will aim to maintain the status quo with a target of 62% and establish new strategies to improve this result for 2009-2010.

Strategic Goal: To promote systemic change through education, training and affirmative action programs.

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Outcome: **Commission seen as an authoritative source for information about human rights.**

Measure: *Percentage of training and consultation requests accepted.*

What Does This Measure Tell the NSHRC?

A key component of the NSHRC's mandate is to promote positive change and respect for inclusion and equity in the wider community. In order to influence behaviour at the societal level, the NSHRC must find strategies for delivering training and education to work places and other organizations which face the challenges posed by enhanced diversity.

Where Is the NSHRC Now?

The NSHRC has met the targets set for the 2007-2008 fiscal year for improving response levels to requests for consultation, training and education. 60% of training requests and 100% of consultations requests were accepted. The 100% figure actually surpasses the 75% target set for 2007-2008 and the 80% target set for 2008-2009. The NSHRC, through the Race Relations, Equity and Inclusion Division aims to meet the targets set for 2008-2009 through continued efforts in streamlining training delivery.

Where Does the NSHRC Want to Be in the Future?

The NSHRC has developed a reputation as a trainer of choice with respect to human rights and diversity issues. The NSHRC is seeking to maintain and enhance that positive reputation and continue to offer high quality training at cost recovery and promote positive change in Nova Scotia.

Strategic Goal: To promote systemic change through education, training and affirmative action programs.

Outcome: **Commission seen as an authoritative source for information about human rights.**

Measure: *Increase the number of "Champions for the Workplace" breakfasts.*

What Does This Measure Tell the NSHRC?

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Employment situations account for 80% of the human rights complaints brought to the NSHRC. That indicates that employers must take more responsibility for their workplace environments. The NSHRC can play a role in making that happen by recognizing employers who demonstrate an appreciation of human rights in the creation of healthy and productive workplaces.

Where Is the NSHRC Now?

The NSHRC named it's first provincial government department as a Champion for the Workplace in May 2007 with the recognition of Communications Nova Scotia. The NSHRC broadened the scope of its work and went forward with its forum on Aboriginal issues in the Fall of 2007 a priority over holding another "Champions for the Workplace" event. In addition the Partners For Human Rights Committee was a major vehicle for partnering to raise awareness on human rights issues for employers.

Where Does the NSHRC Want to Be in the Future?

The NSHRC remains committed to the strategic direction of encouraging employers to take more responsibility for their workplace environments. The new CEO will be reviewing the "*Champions for the Workplace*" *breakfasts* initiative to determine what direction will be taken for the 2008-2009 fiscal year. In addition, there will be a review of the NSHRC's current approach to Affirmative Action Agreements to determine the most effective ways to engage employers in employment equity partnerships.

Discontinued Measure

Measure

Number of consultation requests from Treasury and Policy Board.

This measure was linked to the strategic goal: *to influence the development of legislation and policy by government.*

Rationale

The recruitment of the Senior Policy Analyst did not proceed due to the delay in the appointment of the new Director and CEO. The NSHRC wants to move forward in increasing its capacity to conduct policy work and to be a respected resource on human rights legislation, policies, issues and trends that

can help inform the work of government. An assessment of the staffing needs to carry out this mandate will be conducted. The determination of outcomes and measures to reach this strategic goal will be examined as part of the 2009-2010 business planning process.